

EXHIBIT 1

From: [Snow, Kyla \(CIV\)](#)
To: [Jed Rubenfeld](#); [Chuzi, Amanda K. \(CIV\)](#)
Cc: [Gardner, Joshua E \(CIV\)](#); [Cholera, Kuntal \(CIV\)](#); [Sur, Indraneel \(CIV\)](#)
Subject: RE: [EXTERNAL] Kennedy et al. v. Biden et al.
Date: Tuesday, March 28, 2023 10:35:00 AM

Jed,

In your filing please state our position on your motion as follows: “Defendants do not oppose the *Kennedy* Plaintiffs’ request for consolidation. However, in light of the already scheduled proceedings on the *Missouri* Plaintiffs’ preliminary-injunction and class-certification motions, and the voluminous filings to which Defendants already must respond, Defendants oppose the submission or consideration of any additional filings by the *Kennedy* Plaintiffs relating to the *Missouri* Plaintiffs’ motions (including a separate motion for class certification or preliminary injunction) until after the May 26, 2023, preliminary-injunction hearing.”

And thanks for following up about service of process. We cannot agree to your proposal; we do not consent to any service that differs from the procedure described in Federal Rule of Civil Procedure 4.

Best,

Kyla

From: Jed Rubenfeld <rubenfeldjed@gmail.com>
Sent: Tuesday, March 28, 2023 9:16 AM
To: Chuzi, Amanda K. (CIV) <Amanda.K.Chuzi@usdoj.gov>
Cc: Snow, Kyla (CIV) <Kyla.Snow@usdoj.gov>; Gardner, Joshua E (CIV) <Joshua.E.Gardner@usdoj.gov>; Cholera, Kuntal (CIV) <Kuntal.Cholera@usdoj.gov>; Sur, Indraneel (CIV) <Indraneel.Sur@usdoj.gov>
Subject: Re: [EXTERNAL] Kennedy et al. v. Biden et al.

I'm sorry, I think my message must have been unclear. No, I can't consent to what you propose. (I was talking about a postponement of the entire PI hearing, but I'm pretty sure that's not of interest to you, since you said in your previous email that you didn't want to disturb that already-scheduled hearing.) In any event, thanks for discussing. Please note that you may be adding more to your burdens by not supporting consolidation.

On Tue, Mar 28, 2023 at 9:03 AM Chuzi, Amanda K. (CIV) <Amanda.K.Chuzi@usdoj.gov> wrote:

Thanks, Jed. Can you elaborate on what you mean by postponement? To be clear, we asked you to postpone any new filings until after May 26, so as not to disrupt the current PI schedule. Are you amenable to that postponement?

From: Jed Rubenfeld <rubenfeldjed@gmail.com>
Sent: Tuesday, March 28, 2023 8:23 AM